

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JESSE PELLOW,	:
Plaintiff	:
v.	: Case No. 3:25-cv-67-KAP
PETER WEEKS, BLAIR COUNTY	:
DISTRICT ATTORNEY, <i>et al.</i> ,	:
Defendants	:

Memorandum Order

Plaintiff has filed a *pro se* complaint for which he paid the filing fee. Because plaintiff is not proceeding *in forma pauperis*, he must serve the named defendants as provided in Fed.R.Civ.P. 4(m):

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Plaintiff must effect proper service under Rule 4 on defendants and make proof of service under Rule 4(l)(1) on or before June 5, 2025, or the complaint will be dismissed without prejudice as provided in Rule 4(m) as to any defendant not served. If plaintiff wants the Marshal to make service (at plaintiff's expense) on the defendants he should file a motion requesting an order to that effect.

Plaintiff's first motion to disqualify, ECF no. 2, is denied. My presiding over a previous case and ruling against plaintiff is not a basis for moving for my recusal, it is judge-shopping. This case came to me in the first instance because plaintiff advised the Clerk that it is related to a previous matter I presided over. I will preside over this one only until all the consent forms to magistrate judge jurisdiction have been returned: if all parties consent I would preside over the case, and if the parties do not consent then a district judge will preside. In the latter case I may or may not be referred the matter for pretrial management by the district judge. The extent of my participation is a decision for the district judge, not me.

The consent process proceeds through the Clerk's Office so that magistrate judges do not know who consents or does not consent in any case referred with less than full consent, so ordinarily the Clerk would not proceed to draw a district judge until after service, the appearance of counsel, and the return of all consents. But since it is clear that plaintiff will not consent to my presiding over the case the Clerk can draw a district judge at this time.



DATE: March 5, 2025

Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

Jesse D. Pellow
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